

REMARKS

Claims 1-37 are now pending in the application. By this amendment, Claims 1, 15, and 32 have been amended. The basis for these amendments can be found throughout the specification, claims, and drawings originally filed. No new matter has been added. The preceding amendments and the following remarks are believed to be fully responsive to the outstanding Office Action and are believed to place the application in condition for allowance. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

DOUBLE PATENTING

Claims 17, 25, 33, and 35 stand rejected under the judicially-created doctrine of double patenting over Claims 1-4, 9-16, 29-31, and 35-37 of U.S. Patent No. 6,758,050.

Claims 18 and 34 stand rejected under the judicially-created doctrine of double patenting over Claims 5-8 and 32-34 of U.S. Patent No. 6,758,050.

Claims 26-31 stand rejected under the judicially-created doctrine of double patenting over Claims 17-28 of U.S. Patent No. 6,758,050.

These rejections are respectfully traversed.

Applicants elect to defer filing a terminal disclaimer until after the Examiner has had a chance to review the remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-10, 15, 16, 19, 32 and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sharood et al. (U.S. Pat. No. 6,453,687) in view of Wiggs (U.S. Pat. No. 4,463,571).

Claims 11-14 and 21-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sharood et al. (U.S. Pat. No. 6,453,687) in view of Wiggs (U.S. Pat. No. 4,463,571), as applied to Claim 1, and further in view of Katsuki (U.S. Pat. No. 6,158,230).

Claims 20 and 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sharood et al. (U.S. Pat. No. 6,453,687) in view of Wiggs (U.S. Pat. No. 4,463,571), as applied to Claim 1, and further in view of Dawley or Day, III et al. (U.S. Pats. Nos. 4,441,329 and 4,387,368, respectively).

These rejections are respectfully traversed.

Each of independent Claims 1 and 15 call for a system having a compressor and a motor protector responsive to motor operating parameters. Furthermore, each of independent Claims 1 and 15 call for the system to include logic circuitry associated with the motor protector and an intelligent device in communication with the logic device. Similarly, independent Claim 32 calls for a method including analyzing an operating condition of a motor protector, whereby the motor protector is responsive to compressor motor operating parameters and for identifying a compressor fault cause based on the analysis.

In this manner, the present invention is directed to a system having a compressor (10), a compressor motor, and a motor protector (54) responsive to operating

characteristics of the compressor motor. See Specification at pg. 9, Paragraph [0030]. The motor protector may be a temperature protector and is placed in close proximity to windings (46) of the compressor motor such that a temperature of the windings is monitored by the motor protector. See Specification at pg. 9, Paragraph [0030]. For example, the motor protector may de-energize the compressor motor if a predetermined temperature is detected. In general, the motor protector monitors operational characteristics of the compressor *motor* to ensure that the compressor motor is functioning within predetermined thermal limits. Sharood and Wiggs fail to teach or suggest such a relationship.

Sharood is directed toward a retrofit plug (2650) for use with an appliance (2600) that allows the appliance to communicate with a remotely located computer or control server. See Sharood at Col. 27, Ins. 1-5. The plug is disposed generally between a main power supply (2640) and a sensor (2620) of the appliance and uses PLC communication to provide data about the appliance (i.e., temperature information, etc.). See Sharood at Col. 27, Ins. 42-44 and FIG. 26b. In this manner, Sharood is directed at protection of an *appliance* and does not teach a motor or an associated motor protector.

Wiggs teaches a motor/compressor unit (10) and a protective circuit (26). See Wiggs at Col. 3, Ins. 22-27. The protective circuit is opened when either a dangerously high pressure (indicative of blockage within a refrigerant system) or a dangerously low temperature (indicative of a refrigerant leak) is detected. See Wiggs at Col. 3, Ins. 22-27 and 44-56. In this manner, Wiggs teaches a protective circuit that monitors *refrigeration system* characteristics to selectively restrict power to the compressor/motor and does not teach a motor protector responsive to *motor* operating characteristics.

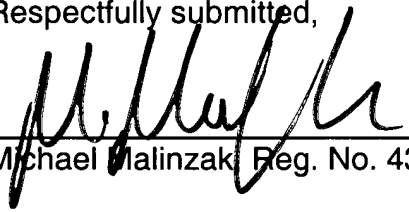
Because Wiggs does not disclose a motor protector responsive to motor operating characteristics, and none of the cited references cures this deficiency on Wiggs, Applicants' invention is not taught or suggested by the prior art and reconsideration and withdrawal of the rejection is respectfully requested.

In this manner, it is believed that independent Claims 1, 15, and 32, as well as Claims 2-14, 16, 19, 21-24, and 36 respectively dependent therefrom, are in a condition for allowance in light of the art of record. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

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